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U.S. DISTRICT COURT

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U.S. DISTRICT COURT

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Pro-se

DISTRICT OF UTAH

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

Central DIVISION

George Hamilton
(Full Name)

PLAINTIFF

vs.

Dept. of Corrections Medical

Sidney G. Roberts, MD

Kennon Tubbs, MD

Joseph Coombs, PA

Terry Jeffries, PA
DEFENDANTS

CIVIL RIGHTS COMPLAINT

(42 U.S.C §1983, §1985)

Case: 2:15-cv-00611

Assigned To : Jenkins, Bruce S.

Assign. Date : 8/27/2015

Description: Hamilton v. Department
of Corrections Medical et al

A. JURISDICTION

1. Jurisdiction is proper in this court according to:

- a. ☒ 42 U.S.C. §1983
b. ☐ 42 U.S.C. §1985
c. ☐ Other (Please Specify) _____

2. NAME OF PLAINTIFF George Hamilton
IS A CITIZEN OF THE STATE OF Utah

PRESENT MAILING ADDRESS: Utah State Prison
P.O. Box 250
Draper, Utah 84020

3. NAME OF FIRST DEFENDANT Sidney G. Roberts
IS A CITIZEN OF Utah
(City and State)

IS EMPLOYED AS Doctor at Utah state prison
(Position and Title if Any) (Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred?

YES ☒ NO ☐. If your answer is "YES" briefly explain.

By acting with the apparent authority of law, when
actually in "contravention" of law depriving a person of
his civil rights.

4. NAME OF SECOND DEFENDANT Kennon Tubbs
(If applicable)

IS A CITIZEN OF Utah
(City and State)

IS EMPLOYED AS Doctor at D.O.C.
(Position and Title if Any) (Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred?

YES ☒ NO ☐. If your answer is "YES" briefly explain.

By acting with apparent authority of law, when in
fact in contravention depriving a person of his civil rights.

5. NAME OF THIRD DEFENDANT Terry Jeffries
(If applicable)

IS A CITIZEN OF Utah
(City and State)

IS EMPLOYED AS Physician Assistant at D.O.C.
(Position and Title if Any) (Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred?

YES ☒ NO ☐. If your answer is "YES" briefly explain.

By acting with the apparent authority of law, but commit an
act that is not allowed by law, rule, treaty. A conflict with a
right or principle.

6. NAME OF FOURTH DEFENDANT Joseph Coombs
(If applicable)

IS A CITIZEN OF Utah
(city and State)

IS EMPLOYED AS Physician Assistant at State Prison D.O.C.
(Position and Title if Any) (Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred?

YES ☒ NO ☐. If your answer is "YES" briefly explain.

By acting with indifference towards the pain I am having
by walking or doing everyday tasks.

(Use additional sheets of paper if necessary.)

B. NATURE OF CASE

1. Why are you bringing this case to court? Please explain the circumstances that led to the problem.

Deliberate indifference: medical staff knowing of my broken
bone in my foot and not dealing with it. I am having severe pain
walking on it each and every day.

C. CAUSE OF ACTION

1. I allege that my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: (If necessary you may attach additional pages)

a. (1) Count I: 8th Amendment

- (2) Supporting Facts: (Describe exactly what each defendant did or did not do. State the facts clearly in your own words without citing legal authority or arguments.)

The above named MD's & PA's did demonstrate a
deliberate indifference towards my foot and the
treatment I recieved. They disregarded a substantial
harm or risk to myself and foot.

b. (1) Count II: 14th Amendment / Due Process

- (2) Supporting Facts: A serious medical need is present
whenever the failure to treat a condition that could
result in further significant injury or the unnecessary
and wanton infliction of pain. "Significant injury, Pain
or loss of function can constitute serious medical need".

c. (1) Count III: _____

(2) Supporting Facts: _____

D. INJURY

1. How have you been injured by the actions of the defendant(s)?

Because of the broken bone on my foot it has healed
wrong and causes me pain in everything I try to
accomplish. I finally was sent to the University Hospital
and the Doctor their explained that the bone had healed
wrong and would need to be re broken and re set.

E. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1. Have you filed other lawsuits in state or federal court that deal with the same facts that are involved in this action or otherwise relate to the conditions of your imprisonment?
YES _____ / NO X . If your answer is "YES," describe each lawsuit. (If there is more than one lawsuit, describe additional lawsuits on additional separate pages, using the same outline.)

- a. Parties to previous lawsuit:

Plaintiff(s): _____

Defendant(s): _____

- b. Name of court and case or docket number: _____

c. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) _____

d. Issues raised: _____

e. When did you file the lawsuit? _____
Date Month Year

f. When was it (will it be) decided? _____

2. Have you previously sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part C? YES X / NO _____. If your answer is "YES" briefly describe how relief was sought and the results. If your answer is "NO" explain why administrative relief was not sought.

I have been requesting to have my foot repaired
so I can walk properly.

F. REQUEST FOR RELIEF

1. I believe that I am entitled to the following relief:

Money damages for compensation

Affirmative Relief

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint, and that the information contained therein is true and correct. 28 U.S.C. §1746; 18 U.S.C §1621.

Executed at Danapur USP on 19 Aug 2015
(Location) (Date)

[Signature]
Signature